

6.32 - UPO – UNIVERSITY PARKWAY OVERLAY DISTRICT

6.32.1 INTENT:

It is the intent of the Overlay District to ensure that any nonresidential development proposed is given the highest standard of review possible by the citizens most affected by the development and the civic leaders sworn to serve the residents of the city. Additionally, it is the intent of the city that zoning within the University Parkway Overlay District shall be consistent with the goals, objectives, and policies of the city's Comprehensive Plan. To ensure this consistency, any rezoning request, excluding residential and historic rezoning requests, within the specified overlay district shall be deferred until the following procedures are completed.

6.32.2 SCHEDULING OF PUBLIC MEETING AND NOTICE:

Following the submission of a rezoning request to the Planning Department, the Planning Department shall coordinate a public meeting between the Planning Department staff, the petitioner seeking the rezoning, and the residents of the University Parkway Overlay District. Notice of the meeting shall be given to the property owners within the Overlay District by certified mail no later than fourteen (14) days prior to the date of the meeting and no longer than thirty (30) days prior to the date of the meeting. The petitioner shall be responsible for: (1) obtaining property owners' names and addresses as they appear in the records of the Washington County Assessor of Property; (2) preparing the letters and envelopes for certified mail delivery; and (3) paying all costs associated with the certified mail notification. Prior to the meeting with property owners, the petitioner shall provide the Planning Department with a list of all property owners to whom certified letters were sent and a map indicating each parcel whose owner was notified.

6.32.3 PUBLIC MEETING OF RESIDENTS AND PETITIONER:

At the scheduled public meeting, the residents of the Overlay District and the petitioner shall compile a list of questions and comments regarding the proposed development. To the best of its ability, the petitioner shall within thirty (30) days answer each question proffered at the meeting. The list of questions and comments as well as the list of answers proffered by the petitioner shall be provided to the Planning Department staff, the Planning Commission, and the City Commission.

6.32.4 PLANNING COMMISSION PUBLIC HEARING:

Following the submission of the list of answers by the petitioner to the Planning Department or after the expiration of thirty (30) days following the scheduled public meeting between the Overlay District residents and the petitioner, whichever is first, the Planning Commission shall schedule a public hearing at the earliest convenient regularly scheduled meeting to discuss the proposed rezoning and development. At the conclusion of the public hearing, upon motion being properly made, seconded and approved by a majority of

those present, the Planning Commission may extend the public hearing for whatever purpose deemed necessary, said extension shall not exceed thirty-nine (39) days. Re-opening of the public hearing shall be conducted at a regularly scheduled meeting of the Planning Commission. Once the public hearing is re-opened, the Chairperson shall call for a vote at such time it is determined that debate on the rezoning has been exhausted.

6.32.5 PLANNING COMMISSION VOTE:

A positive vote by the majority of the Planning Commission for the rezoning shall forward the rezoning request to the City Commission in ordinance form. A negative vote by the majority of the Planning Commission shall terminate the request; however, a negative vote is subject to appeal to the City Commission by the petitioner. Passage of the ordinance on three readings shall allow the development to proceed in accordance with the terms and conditions set forth by the City Commission.